

1 Matthew B. Hippler (Nevada SBN 7015)
HOLLAND & HART LLP
2 5441 Kietzke Lane, Second Floor
Reno, Nevada 89511
Telephone: 775-327-3000
3 mhippler@hollandhart.com

4 James E. Hartley
HOLLAND & HART LLP
5 555 Seventeenth Street, Suite 3200
Denver, Colorado 80202
6 Telephone: 303-295-8000
jhartley@hollandhart.com

7 Donald A. Degnan
HOLLAND & HART LLP
8 1800 Broadway, Suite 300
Boulder, CO 80302
9 Telephone: 303-473-2724
ddegnan@hollandhart.com

10 Shane P. Coleman
HOLLAND & HART LLP
11 401 North 31st Street, Suite 1500
Billings, Montana 59101
12 Telephone: 406-252-2166
spcoleman@hollandhart.com

13 Michael R. Henson
PERKINS & COIE LLP
14 1900 Sixteenth Street, Ste. 1400
Denver, CO 80202
15 Telephone: 303-291-2337
mhenson@perkinscoie.com

16 Attorneys for Plaintiff Server Technology,
Inc.

17 William E. Peterson (Nevada SBN 1528)
Janine C. Prupas
Suellen Fulstone
SNELL & WILMER
18 50 West Liberty Street, Suite 510
Reno, Nevada 89501
Telephone: (775) 785-5440
Fax: (775) 785-5441
wpeterson@swlaw.com
jprupas@swlaw.com
sfulstone@swlaw.com

19 Terrence J. Truax
Kristopher R. Kiel
Michael G. Babbitt
JENNER & BLOCK
20 353 North Clark Street
Chicago, Illinois 60654
ttruax@jenner.com
kkiel@jenner.com
mbabbitt@jenner.com

21 Nick G. Saros
JENNER & BLOCK
22 633 West 5th Street, Suite 3500
Los Angeles, CA 90071-2054
nsaros@jenner.com

23 Attorneys for Defendant American Power
Conversion Corporation

24 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

25 SERVER TECHNOLOGY, INC. (a Nevada
corporation),

26 Plaintiff,

vs.

AMERICAN POWER CONVERSION
CORPORATION (a Massachusetts corporation),

Defendant.

Case No.: 3:06-CV-00698-LRH-VPC

**JOINT REQUEST FOR EXTENSION
OF TIME TO PREPARE AND FILE
PRETRIAL ORDER AND PROPOSED
SCHEDULING LEADING UP TO
TRIAL**

1 In its recent Order of August 22, 2013, the Court requested that the parties file a Joint
2 Pretrial Order in this case, stating that “the parties shall have thirty (30) days after entry of this
3 order to prepare a proposed joint pretrial order and submit the same for signature.” This request
4 would render the Joint Pretrial Order due on September 23, 2013. (Dkt. 423, p. 6). The parties
5 have conferred regarding the preparation of the Joint Pretrial Order, and to insure an orderly
6 preparation of the Joint Pretrial Order for use at trial, the parties jointly request a modest
7 adjustment in the schedule relating to the Pretrial Order as set forth below. Following
8 submission of the Pretrial Order as per the schedule requested below, the parties are available at
9 the Court’s convenience to discuss the scheduling of a trial date.

10 The parties jointly request the adjustment in the schedule for the reasons set forth below.

11 First, both Plaintiff Server Technology, Inc. and Defendant American Power Conversion
12 Corporation believe that given the importance of the Pretrial Order, the extensive record in this
13 case, and the need for both designations and counter-designations, an extension of time within
14 which to file the Pretrial Order would be advantageous for both parties and ultimately the Court.
15 Accordingly, the parties hereby jointly request that the Court allow them to file the Joint Pretrial
16 Order on November 22, 2013. This would allow the parties sufficient time to prepare initial
17 designations for both deposition citations and exhibits by October 18, 2013, response
18 designations by November 8, 2013, reply designations by November 18, 2013, and to submit the
19 final Joint Pretrial Order for signature to the Court by November 22, 2013.

20 Second, the parties have also conferred regarding timing issues for motions *in limine* that
21 would allow sufficient time for briefing on the motions *in limine* to be completed before the end
22 of this year. The parties believe that a workable schedule for submitting motions *in limine* to the
23 Court would put opening motions due by November 25, 2013, responses due by December 13,
24 2013 and replies, if any, due by December 20, 2013.

25 Third, the parties have also conferred regarding possible trial dates that would conform
26 to the schedule outlined above and believe that a trial in this case may proceed as early as

1 February 2014 or later subject, above all, to the Court's convenience and availability. Both
2 parties expect that a trial on all of the issues could be completed within two weeks. As for
3 setting a firm date for trial, the parties believe that finalizing the Joint Pretrial Order before
4 setting a trial date is the best approach, and will comply with the local practice of proposing
5 specific start dates for trial within the Joint Pretrial Order for the Court to consider.

6 Below is a synopsis of the proposed schedule, which if adopted by the Court would allow
7 for trial to commence as early as February 2014:

8
Dates for Joint Pretrial Order
9

Initial designations/Exhibits	October 18, 2013
Response designations	November 8, 2013
Reply designations	November 18, 2013
Final Order	November 22, 2013

12
Motions in Limine
13

Opening motions	November 25, 2013
Responses	December 13, 2013
Replies	December 20, 2013

16
17 

18 SO ORDERED: _____

19 Honorable Judge Larry R. Hicks

20 Dated: October 9, 2013.
21
22
23
24
25
26

1 Dated: September 6, 2013.

2 Respectfully submitted,

3 /s/James E. Hartley

4 James E. Hartley
5 HOLLAND & HART LLP
jhartley@hollandhart.com

6 Matthew B. Hippler (Nevada SBN 7015)
7 HOLLAND & HART LLP
mhippler@hollandhart.com

8 Shane P. Coleman
HOLLAND & HART LLP
spcoleman@hollandhart.com

9 Donald A. Degnan
HOLLAND & HART LLP
ddegnan@hollandhart.com

10 Michael R. Henson
PERKINS & COIE LLP
mhenson@perkinscoie.com

11 Attorneys for Plaintiff
12 SERVER TECHNOLOGY, INC.

13 /s/Terrence J. Truax

14 Terrence J. Truax
Kristopher R. Kiel
Michael G. Babbitt
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, Illinois 60654
Telephone: (312) 923-2738
ttruax@jenner.com
kkiel@jenner.com

15 Attorneys for Defendant
16 AMERICAN POWER CONVERSION CORPORATION

17

18

19

20

21

22

23

24

25

26

1
2 **CERTIFICATE OF SERVICE**
3

2 The undersigned hereby certifies that a copy of the foregoing was served on September 6,
3 2013 by the Court's electronic filing system to the following:

4 Matthew B. Hippler (Nevada SBN 7015)
5 HOLLAND & HART LLP
6 5441 Kietzke Lane, Second Floor
7 Reno, Nevada 89511
8 Telephone: 775-327-3000
9 mhippler@hollandhart.com

Shane P. Coleman
HOLLAND & HART LLP
401 North 31st Street, Suite 1500
Billings, Montana 59101
Telephone: 406-252-2166
spcoleman@hollandhart.com

James E. Hartley
HOLLAND & HART LLP
555 Seventeenth Street, Suite 3200
Denver, Colorado 80202
Telephone: 303-295-8000
jhartley@hollandhart.com

Michael R. Henson
PERKINS & COIE LLP
1900 Sixteenth Street, Ste. 1400
Denver, CO 80202
Telephone: 303-291-2337
mhenson@perkinscoie.com

Donald A. Degnan
HOLLAND & HART LLP
1800 Broadway, Suite 300
Boulder, CO 80302
Telephone: 303-473-2724
ddegnan@hollandhart.com

Attorneys for Plaintiff Server Technology,
Inc.

15
16
17 */s/ Kristopher R. Kiel* _____
18
19
20
21
22
23
24
25
26